



嘉信
理財

填寫此表格的重要說明

Important Instructions for Completing This Form

國際客戶 For international clients: international.schwab.com
1-877-686-1937 (美國境內 inside the U.S.) | +1-415-667-8400 (美國境外 outside the U.S.)

您所索取的表格已隨此頁附上。請以英文填寫表格。
The form you requested follows this page. Please complete the form in English.

若使用電腦填表，請依照以下簡易步驟：

Follow these easy steps to complete your form:

1. 請向下卷移並於相對的欄位輸入所需資料。

Scroll down and type the requested information in the corresponding field.

名字 Name (First)
John

- 您可使用您的滑鼠或“Tab”鍵於欄位之間移動。
You can move among the fields by using your mouse or the “Tab” key.
- 如果您想刪除所有已填寫資料的欄位，可按此鍵：
If you'd like to clear all the fields you've completed, click this button:

刪除 CLEAR

2. 當您填妥表格後，請按此鍵：

When you've completed the form, click this button:

列印 PRINT

3. 填妥並簽署您的表格後，請使用以下其中一種方式遞表：

When your form is completed and signed, please submit it using one of the options below:

- 郵寄表格到以下其中一個地址。

Mail the form to one of the following addresses.

標準美國郵遞：

Standard U.S. Mail:
Attn: International Account Solutions
Charles Schwab & Co., Inc.
P.O. Box 982601
El Paso, TX 79998-2601
USA

國際郵遞／翌日快遞：

International Mail/Overnight Delivery:
Attn: International Account Solutions
Charles Schwab & Co., Inc.
1945 Northwestern Drive
El Paso, TX 79912-1108
USA

- 傳真申請表至+1-415-956-3212。

Fax the form to +1-415-956-3212.

- 掃描申請表並以附件方式把表格附加到international.schwab.com網站上的電子安全郵件。

Scan and attach the form to a secure message on international.schwab.com.

若您以安全電子郵件的方式遞表給嘉信，請依照下列步驟：

If you are returning this form to Schwab using a secure message, follow the steps below:

1. 前往嘉信網站international.schwab.com並登錄您的帳戶。

Go to international.schwab.com and log in to your account.

2. 點擊「信息中心」的鏈接（在「帳戶」一欄下），然後點擊「編寫新信息」的鏈接。

Click the Message Center link (under Accounts), and then click the Compose New Message link.

3. 點擊「增加檔案」的按鍵以附上您的表格。

Upload your form as an attachment by clicking the Add File button.

4. 您的信息交代完後，點擊「寄送」。

When your message is complete, click Send.

請確保您隨表格附上所有相關文件及資料(例如開設新帳戶的首次存款支票)。如果您有任何疑問或需要協助，請致電
1-877-686-1937 (美國境內) 或 **+1-415-667-8400** (美國境外)。

Be sure to enclose any accompanying materials with your form (such as a check for an initial deposit to open a new account). Should you have any questions or need help, please call **1-877-686-1937** (inside the U.S.) or **+1-415-667-8400** (outside the U.S.).



嘉信理財

W-8BEN代用表格(國稅局IRS所需表格) 為美國稅項預扣及報告備用之受益人外籍身份證明書(個人) Substitute Form W-8BEN (IRS Required Form) Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding and Reporting (Individuals)

international.schwab.com | 電話 Phone **1-877-686-1937** (美國境內 inside the U.S.) | **+1-415-667-8400** (美國境外 outside the U.S.)
傳真 Fax **1-800-752-4816** (美國境內 inside the U.S.) | **+1-602-977-4199** (美國境外 outside the U.S.)
獨立投資顧問的客戶, 請直接聯繫閣下的顧問或致電Schwab Alliance: 1-800-515-2157。
Clients of independent investment advisors, contact your advisor directly or call Schwab Alliance at 1-800-515-2157.

為確保資料可正確輸入電腦系統, 請以英文填寫此表格。
To ensure the accuracy of your information, please complete all sections of this form in English.

請把已填妥之表格交回嘉信:
To return your completed form to Schwab:

- 檢查已填妥之表格, 然後透過 Schwab.com 訊信息中心(須登錄)將電郵發送至嘉信;
Scan the completed form, then email it to Schwab via the Schwab.com Message Center (login required);
- 把已填妥之表格傳真至上方其中一個嘉信傳真號碼; 或
Fax the completed form to Schwab using one of the fax numbers above; or
- 把已填妥之表格郵寄至第四頁其中一個嘉信地址。
Mail the completed form to Schwab at one of the addresses provided on page 5.

若閣下為獨立投資顧問的客戶, 請直接與閣下的顧問聯絡。
If you're a client of an independent investment advisor, please contact your advisor directly.

美國財政部·國稅局(Internal Revenue Service)
Department of the Treasury, Internal Revenue Service

- 章節引用國稅法法規(Internal Revenue Code)。
Section references are to the Internal Revenue Code.
- 如需一份完整的說明指示或更多關於W-8表格的資料, 請參閱國稅局(IRS)網站www.irs.gov。
For complete instructions or more information on the W-8 forms, please refer to the Internal Revenue Service (IRS) website at www.irs.gov.
- 請將此表格呈交給稅務機構或付款方。請勿寄往國稅局。
Give this form to the withholding agent or payer. Do not send to the IRS.

此表格不適用於以下情形:
Do not use this form if:

應該使用之表格名稱:
Instead, use Form:

- 閣下並非個人.....W-8BEN-E
You are NOT an individual..... W-8BEN-E
- 閣下是美國公民或其他美國人士, 包括外籍美國居民(resident alien individual).....W-9
You are a U.S. citizen or other U.S. person, including a resident alien individual..... W-9
- 閣下是受益人並聲明收入與在美國國內的貿易或商業活動有實際關連(個人服務除外).....W-8ECI
You are a beneficial owner claiming that income is effectively connected with the conduct of trade or business within the U.S. (other than personal services).....W-8ECI
- 閣下是於美國國內提供個人服務而收取報酬之受益人.....8233 or W-4
You are a beneficial owner who is receiving compensation for personal services performed in the United States.....8233 or W-4
- 擔任中間人之人士.....W-8IMY
A person acting as an intermediary..... W-8IMY

註: 有關其他例外請參閱英文版的IRS說明書。
Note: See IRS instructions for additional exceptions.



W-8BEN代用表格(國稅局IRS所需表格)
為美國稅項預扣及報告備用之受益人外籍身份證明書(個人)
Substitute Form W-8BEN (IRS Required Form)
Certificate of Foreign Status of Beneficial Owner for
United States Tax Withholding and Reporting (Individuals)

第1部分: 受益人之身份(請參閱說明)。重要提示: 每位帳戶持有人必須各自填妥一份表格。

Part 1. Identification of Beneficial Owner (See instructions.) Important reminder: **Each** account holder must complete a separate form.

帳戶號碼(必須填寫, 新帳戶除外) Account number required (unless new account)	
住宅電話號碼(國家代號)(城市/區域代號)(號碼) Home telephone number (country code) (city/area code) (number)	公司電話號碼(國家代號)(城市/區域代號)(號碼) Business telephone number (country code) (city/area code) (number)
1 受益人(個人)之姓名 Name of individual who is the beneficial owner	
2 擁有公民身份之國家(請勿縮寫) Country of citizenship (Do not abbreviate.)	
3 永久居所住址(街道、公寓號碼、或郊外路名)。請勿使用郵遞信箱或委託地址。 Permanent residence address (street, apt. or suite number, or rural route). Do not use a P.O. box or an in-care-of address.	
市或鎮, 州或省(若合適請包括郵區號碼) City or town, state or province (Include postal code where appropriate.)	國家(請勿縮寫) Country (Do not abbreviate.)
4 郵遞地址(若與上述地址不同) Mailing address (If different from above.)	
市或鎮, 州或省(若合適請包括郵區號碼) City or town, state or province (Include postal code where appropriate.)	國家(請勿縮寫) Country (Do not abbreviate.)
5 美國納稅人識別號碼(社會安全卡號碼[SSN]或個人繳稅號碼[ITIN]), 若有必要時 (請參閱說明) U.S. Taxpayer Identification Number (SSN or ITIN), if required (See instructions.)	6 外國繳稅識別號碼(請參閱說明) Foreign tax identifying number (See instructions.)
7 參考檔案號碼(請參閱說明) Reference number(s) (See instructions.)	8 出生日期(月-日-年)(請參閱說明) Date of birth (MM-DD-YYYY) (See instructions.)

第2部分: 申請稅務條約優惠(僅適用於第3章; 請參閱英文版的IRS說明書。若適用, 請填寫以獲較低的稅務條約率。請勿縮寫。)

Part 2. Claim of Tax Treaty Benefits (For chapter 3 purposes only; see Instructions. Please complete to receive a lower tax treaty rate, if applicable. Do not abbreviate.)

9 本人證實受益人為 _____ 居民, 且符合美國與該國的入息稅條約協定的含義。

I certify that the beneficial owner is a resident of _____ within the meaning of the income tax treaty between the United States and that country.

10 特別稅率及條件(若適用; 請參閱英文版的IRS說明書): 受益人依據上述第9行所述條約之第 _____ 章條規定, 要求享有(請說明具體收入類型) _____ 之 _____ %預扣稅率。

Special rates and conditions (if applicable; see instructions): The beneficial owner is claiming the provisions of Article _____ of the treaty identified on line 9 above to claim a _____ % rate of withholding on (specify type of income): _____

請說明受益人如何符合稅務條約條款之規定: _____

Explain the reasons the beneficial owner meets the terms of the treaty article: _____

第3部分: 證明

Part 3. Certification

根據偽證處罰法, 本人聲明已檢查此表格中所填寫之資料, 並且在本人理解的範圍內確信資料均為屬實、正確及完整。本人並根據偽證處罰法, 證實下列事項:

Under penalties of perjury, I declare that I have examined the information on this form, and to the best of my knowledge and belief it is true, correct and complete. I further certify under penalties of perjury that:

1. 本人為此表格中所有相關收入的個人受益人(或被授權代表受益人簽署之人士), 或使用此表格以證明本人屬外國金融機構之個人擁有人或帳戶持有人;

I am the individual who is the beneficial owner (or I am authorized to sign for the individual who is the beneficial owner) of all the income to which this form relates, or I am using this form to document myself as an individual who is an owner or account holder of a foreign financial institution;



W-8BEN代用表格(國稅局IRS所需表格)
為美國稅項預扣及報告備用之受益人外籍身份證明書(個人)
Substitute Form W-8BEN (IRS Required Form)
Certificate of Foreign Status of Beneficial Owner for
United States Tax Withholding and Reporting (Individuals)

第3部分: 證明(續)

Part 3. Certification (Continued)

2. 此表格第1行列明之人士非美國人士;

The person named on Line 1 of this form is not a U.S. person;

3. 與此表格的相關收入:

The income to which this form relates is:

(a) 非與在美的貿易或商業活動有實際關連, (b) 雖有實際關連, 但依適用入息稅務條約規定不須繳稅, 或 (c) 有實際關連之收入純屬合夥人得益;

(a) not effectively connected with the conduct of a trade or business in the United States, (b) effectively connected but is not subject to tax under an applicable income tax treaty, or (c) the partner's share of a partnership's effectively connected income;

4. 此表格第1行列明之人士為此表格第9行(若有的話)所列條約盟國之居民, 且符合美國與該國的入息稅條約協定之含義; 及

The person named on Line 1 of this form is a resident of the treaty country listed on Line 9 (if any) within the meaning of the income tax treaty between the United States and that country; and

5. 就經紀交易或易貨交易而言, 受益人根據說明中所定義為免稅外國籍人士。

For broker transactions or barter exchanges, the beneficial owner is an exempt foreign person as defined in the instructions.

此外, 本人授權此表格予任何可控制、收取或監管本受益人收入之稅務機構, 或任何有權就本受益人收入支付或繳納稅項之稅務機構。本人同意若任何在此表格所作之證明變得不正確, 將於30日內遞交新表格。

Furthermore, I authorize this form to be provided to any withholding agent that has control, receipt, or custody of the income of which I am the beneficial owner or any withholding agent that can disburse or make payments of the income of which I am the beneficial owner. I agree that I will submit a new form within 30 days if any certification made on this form becomes incorrect.

除提供必要的證明證實您非美國人士的身份, 以及獲得降低的預扣率(若適用)外, IRS無需徵求您同意此文件的任何規條。

The Internal Revenue Service does not require your consent to any provisions of this document other than the certification required to establish your status as a non-U.S. individual and, if applicable, obtain a reduced rate of withholding.

簽署及日期 Signature and Date Required

X

受益人簽署(或獲授權代表受益人簽署之人士)
Signature of beneficial owner (or individual authorized to sign for the beneficial owner)

簽署人之正楷姓名
Print Name of Signer

X

簽署人之資格身份(若表格並非由受益人簽署)
Capacity in which acting (if form is not signed by beneficial owner)

日期(月-日-年)
Date (MM-DD-YYYY)

適用於較早時期之宣誓書。根據偽證處罰法, 本人聲明已檢查以上W-8BEN表格中所填寫之資料均維持現狀及沒有改變, 且自本年1月1日或本人帳戶開立日期(以較後者為準)起至今均為屬實、正確及完整。(若任何資料有變, 請另附上單獨並已簽署的聲明。)

AFFIDAVIT APPLICABLE TO PRIOR PERIODS. Under penalties of perjury, I declare that I have examined and signed the above Form W-8BEN and that the information contained therein remained the same and unchanged and was true and correct and complete since January 1 of this year or the date my account was opened, whichever is later, to present. (Please attach a separate, signed statement if any information has changed.)

簽署及日期 Signature and Date Required

X

受益人簽署(或獲授權代表受益人簽署之人士)
Signature of beneficial owner (or individual authorized to sign for the beneficial owner)

簽署人之正楷姓名
Print Name of Signer

X

簽署人之資格身份(若表格並非由受益人簽署)
Capacity in which acting (if form is not signed by beneficial owner)

日期(月-日-年)
Date (MM-DD-YYYY)

若此W-8BEN表格上有列明美國地址, 或以其作為閣下帳戶的郵寄、合法、替代或商業地址, 若電話號碼為美國電話號碼, 若出生地在美國或擁有永久居留國家或公司註冊國家以外的地址、或有現行指示要求從該帳戶支付款項至條約優惠國家以外地址的帳戶, 請閱讀以下一節。

If a U.S. address is specified on this W-8BEN form or used as a mailing, legal, alternate, or business address on your account, if the phone number is a U.S. phone number, or if there is a U.S. place of birth or an address outside the country of permanent residence or country of incorporation, or where there are standing instructions to pay an amount from the account to an account at an address outside the treaty country, please read the section below.



W-8BEN代用表格(國稅局IRS所需表格)

為美國稅項預扣及報告備用之受益人外籍身份證明書(個人)

Substitute Form W-8BEN (IRS Required Form)

Certificate of Foreign Status of Beneficial Owner for
United States Tax Withholding and Reporting (Individuals)

Page 4 of 5
第四頁, 共五頁

第3部分: 證明(續)

Part 3. Certification (Continued)

使用美國地址、美國電話號碼、或美國出生地之特別注意事項

關於閣下嘉信帳戶的稅務預扣之重要信息

每位帳戶持有人必須各自單獨填寫一份W-8BEN表格及一份闡釋函(Letter of Explanation)(如適用)。

國稅局(IRS)條例目前要求嘉信®以閣下的監管人身份對表明有以下情況的外國客戶索取額外文件: 美國地址、美國電話號碼、在永久居留國家以外的地址或美國出生地。

每位帳戶持有人或受益人必須提供以下所需文件:

1. 證實外籍身份申報的合理解釋。
2. 不帶美國地址的文件證明, 例如外國護照或外國駕駛執照(若之前未有提供, 將須提供以作證明。)

閣下嘉信理財帳戶須闡釋的項目例子:

- 帳戶使用美國地址作為閣下郵寄、法定、工作或備選地址。
- 帳戶使用美國郵寄地址接收嘉信所發信件(例如, 帳戶報表及交易確認通知)。
- 帳戶中任何其他情況下使用的美國郵寄、法定、備選或公司地址。
- 美國電話號碼。這不應用以解釋為何公司帳戶列有美國地址。公司帳戶應提供公司註冊證書。

使用永久居留國家或公司註冊國家之外的國家地址。

此乃指非美國居民或外國企業申請某一外國國家的條約優惠、但卻擁有另一不同國家的郵寄地址或永久居留地址, 或有現行指示要求從該帳戶支付款項至條約優惠國家以外的帳戶或地址。為此, 外國郵寄地址是任何帳戶持有人居住國家以外、用作接收嘉信所發信件(例如, 帳戶報表或交易確認通知等)的郵寄地址。

註: 若帳戶持有人擁有美國地址及在永久居留國家以外的國家擁有郵寄地址, 則須提交第二封闡釋函(即帳戶持有人必須就美國地址提供一封闡釋函, 並就另一國家的郵寄地址提供一封闡釋函)。必須附上有效的護照或政府身份證明之副本。(若之前未有提供, 將須提供以作證明。)

美國出生地點。

為符合IRS W-8的證件要求, 請提供帳戶持有人的「美國國籍喪失證明」(Certificate of Loss of Nationality of the United States)之副本, 或帳戶持有人放棄美國公民身份的解釋, 或帳戶持有人沒有於出生時領取美國公民身份的原因, 以及有效的外國護照或政府身份證明之副本。(若之前未有提供, 將須提供以作證明。)

必須闡釋以下事項(如適用):

- A. 為何上述地址或電話號碼與帳戶持有人有關聯, 以及這些美國地址或美國電話號碼為何用途?
- B. 地址或電話號碼屬誰?
- C. 帳戶持有人如何從上述地址或電話號碼獲取郵件或訊息?
- D. 帳戶持有人多久會從上述地址或電話號碼獲取郵件或訊息?
- E. 為何郵寄地址或永久居留地址與帳戶持有人所申請條約優惠的國家不同?
- F. 為何有現行指示, 要求從該帳戶支付款項至條約優惠國家以外的地址或帳戶?
- G. 在何種情況下放棄了美國公民身份, 或為何原因未在出生時領取美國公民身份?
- H. 請證實之前提供的證明, 如外國護照或外國駕駛執照的書面證據, 且不帶美國地址、未到期, 並且嘉信可將其作為帳戶持有人申明外籍身份的有效證件。

請傳真至1-800-752-4816(居於美國境內的客戶)或+1-602-977-4199(居於美國境外的客戶), 或將已填妥的W-8BEN表格及闡釋函(如適用)郵寄到以下地址:

Schwab International Operations, P.O. Box 982600, El Paso, TX 79998-2600, United States of America

翌日速遞請寄至:

Schwab International Operations, 1945 Northwestern Dr., El Paso, TX 79912, United States of America

若有任何疑問, 請致電1-877-686-1937(美國境內)或+1-415-667-8400(美國境外)與我們聯絡。獨立投資顧問的客戶請直接與顧問聯絡, 或致電1-800-515-2157與Schwab Alliance聯繫。



W-8BEN代用表格(國稅局IRS所需表格)

為美國稅項預扣及報告備用之受益人外籍身份證明書(個人)

Substitute Form W-8BEN (IRS Required Form)

Certificate of Foreign Status of Beneficial Owner for
United States Tax Withholding and Reporting (Individuals)

Page 5 of 5
第五頁·共五頁

第3部分: 證明(續)

Part 3. Certification (Continued)

SPECIAL ATTENTION FOR U.S. ADDRESSES, U.S. PHONE NUMBER, or U.S. PLACE OF BIRTH

Important Information About Tax Withholding on Your Schwab Account

Each account holder must complete a separate W-8BEN form and Letter of Explanation (if applicable).

Internal Revenue Service (IRS) regulations currently require Schwab, as your custodian, to secure additional documentation from foreign clients who disclose: U.S. address, U.S. phone number, an address outside the country of permanent residence, or U.S. place of birth.

Each account holder or beneficial owner must include the following required documentation:

1. A reasonable explanation supporting the claim of foreign status.
2. Documentary evidence that does not contain a U.S. address, such as a foreign passport or foreign driver's license. (If it has not been previously provided, it will be required for certification.)

Examples of items on your Schwab account that would require explanation are:

- A U.S. address used as your mailing, legal, business, or alternate address.
- A U.S. mailing address used to receive correspondence from Schwab (for example, account statements and trade confirmations).
- A U.S. mailing, legal, alternate, or business address used in any other context with your account.
- A U.S. phone number. This should not be used to explain why a U.S. address is listed on a corporate account. For corporate accounts, provide a Certificate of Incorporation.

Use of an address outside the country of permanent residence or country of incorporation.

This refers to non-U.S. residents or foreign entities claiming treaty benefits in one foreign country but with a mailing address or permanent residence address in a different foreign country, or who have standing instructions to pay amounts from the account to an account or an address outside of the treaty country. For this purpose, a foreign mailing address is any mailing address outside the account holder's resident country used for correspondence from Schwab (for example, account statements or trade confirmations).

Note: If the account holder has a U.S. address and a mailing address in a country that is outside the country of permanent residence, a second Letter of Explanation is required (i.e., the account holder must provide one Letter of Explanation for the U.S. address and one Letter of Explanation for the mailing address in a different country). A valid passport copy or government ID is required. (If it has not been previously provided, it will be required for certification.)

U.S. place of birth.

In order to satisfy the IRS W-8 documentary requirement, please provide a copy of the account holder's Certificate of Loss of Nationality of the United States, or an explanation of the account holder's renunciation of U.S. citizenship, or the reason the account holder did not obtain U.S. citizenship at birth, and a copy of a valid foreign passport or government ID. (If it has not been previously provided, it will be required for certification.)

An explanation of the following (if applicable) is required:

- A. Why is the above-mentioned address(es) or phone number(s) associated with the account holder, and what is the purpose of this U.S. address(es) or U.S. phone number(s)?
- B. To whom does the address(es) or phone number(s) belong?
- C. How does the account holder obtain mail or messages from the above-mentioned address(es) or phone(s)?
- D. How often does the account holder collect mail or messages from the above-mentioned address(es) or phone(s)?
- E. Why is the mailing address or permanent residence address in a foreign country different from the one for which the account holder is claiming treaty benefits?
- F. Why are there standing instructions to pay amounts from the account to an address or an account outside the treaty country?
- G. What were the circumstances for renunciation of U.S. citizenship, or the reason that U.S. citizenship was not obtained at birth?
- H. A certification that the documentary evidence previously provided, such as a foreign passport or foreign driver's license, does not contain a U.S. address, is unexpired, and can be relied upon by the firm as valid documentation supporting the account holder's claim of foreign status.

Please fax to 1-800-752-4816 (for clients residing in the U.S.) or +1-602-977-4199 (for clients residing outside of the U.S.) or mail the completed W-8BEN form(s) and Letter(s) of Explanation (if applicable) to the following address:

Schwab International Operations, P.O. Box 982600, El Paso, TX 79998-2600, United States of America

For overnight mail:

Schwab International Operations, 1945 Northwestern Dr., El Paso, TX 79912, United States of America

Please call 1-877-686-1937 (inside the U.S.) or +1-415-667-8400 (outside the U.S.) if you have any questions. Clients of independent investment advisors, contact your advisor directly or call Schwab Alliance at 1-800-515-2157.



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Instructions for Form W-8BEN

(Rev. February 2014)

Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding and Reporting (Individuals)

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

Future Developments

For the latest information about developments related to Form W-8BEN and its instructions, such as legislation enacted after they were published, go to www.irs.gov/formw8ben.

What's New

FATCA. In 2010, Congress passed the Hiring Incentives to Restore Employment Act of 2010, P. L. 111-147 (the HIRE Act), which added chapter 4 of Subtitle A (chapter 4) to the Code, consisting of sections 1471 through 1474 of the Code and commonly referred to as "FATCA" or "chapter 4". Under chapter 4, participating foreign financial institutions (FFIs) and certain registered-deemed compliant FFIs are generally required to identify their U.S. account holders, regardless of whether a payment subject to withholding is made to the account. The IRS has published regulations that provide due diligence, withholding, and reporting rules for both U.S. withholding agents and FFIs under chapter 4.

This form, along with Form W-8ECI, W-8EXP, and W-8IMY, has been updated to reflect the documentation requirements of chapter 4. In particular, this Form W-8BEN is now used exclusively by individuals. Entities documenting their foreign status, chapter 4 status, or making a claim of treaty benefits (if applicable) should use Form W-8BEN-E.

Individual account holders (both U.S. and foreign) that do not document their status may be deemed recalcitrant and, in some cases, subject to 30% withholding on certain payments. Foreign individuals can avoid being classified as recalcitrant account holders by using Form W-8BEN to document their foreign status.

Foreign individuals should use Form W-8BEN to document their foreign status and claim any applicable treaty benefits for chapter 3 purposes (including a foreign individual that is the single member of an entity that is disregarded for U.S. tax purposes). See the instructions to Form W-8BEN-E concerning claims for treaty benefits and chapter 4 certifications in the case of a hybrid entity.

Reportable payment card transactions. Section 6050W was added by section 3091 of the Housing Assistance Tax Act of 2008 and requires information returns to be made by certain payers with respect to payments made to participating payees in settlement of payment card transactions and third party payment network transactions. Information returns are not required

with respect to payments made to payees that are foreign persons, however.

A payer of a reportable payment may treat a payee as foreign if the payer receives an applicable Form W-8 from the payee. Provide this Form W-8BEN to the requestor if you are a foreign individual that is a participating payee receiving payments in settlement of payment card transactions that are not effectively connected with a U.S. trade or business of the payee.

More information. For more information on FATCA, go to www.irs.gov/fatca.

General Instructions

For definitions of terms used throughout these instructions, see *Definitions*, later.

Purpose of Form

Establishing status for chapter 3 purposes. Foreign persons are subject to U.S. tax at a 30% rate on income they receive from U.S. sources that consists of:

- Interest (including certain original issue discount (OID));
- Dividends;
- Rents;
- Royalties;
- Premiums;
- Annuities;
- Compensation for, or in expectation of, services performed;
- Substitute payments in a securities lending transaction; or
- Other fixed or determinable annual or periodical gains, profits, or income.

This tax is imposed on the gross amount paid and is generally collected by withholding under section 1441. A payment is considered to have been made whether it is made directly to the beneficial owner or to another person, such as an intermediary, agent, or partnership, for the benefit of the beneficial owner.

In addition, section 1446 requires a partnership conducting a trade or business in the United States to withhold tax on a foreign partner's distributive share of the partnership's effectively connected taxable income. Generally, a foreign person that is a partner in a partnership that submits a Form W-8BEN for purposes of section 1441 or 1442 will satisfy the documentation requirements under section 1446 as well. However, in some cases the documentation requirements of sections 1441 and 1442 do not match the documentation requirements of section 1446. See Regulations sections 1.1446-1 through 1.1446-6.

Note. The owner of a disregarded entity (including an individual), rather than the disregarded entity itself, must submit the appropriate Form W-8BEN for purposes of section 1446.

If you receive certain types of income, you must provide Form W-8BEN to:

- Establish that you are not a U.S. person;
- Claim that you are the beneficial owner of the income for which Form W-8BEN is being provided or a foreign partner in a partnership subject to section 1446; and
- If applicable, claim a reduced rate of, or exemption from, withholding as a resident of a foreign country with which the United States has an income tax treaty and who is eligible for treaty benefits.

You may also be required to submit Form W-8BEN to claim an exception from domestic information reporting and backup withholding (at the backup withholding rate under section 3406) for certain types of income that are not subject to foreign-person withholding at a rate of 30% under section 1441. Such income includes:

- Broker proceeds;
- Short-term (183 days or less) original issue discount (OID);
- Bank deposit interest;
- Foreign source interest, dividends, rents, or royalties; and
- Proceeds from a wager placed by a nonresident alien individual in the games of blackjack, baccarat, craps, roulette, or big-6 wheel.

A withholding agent or payer of the income may rely on a properly completed Form W-8BEN to treat a payment associated with the Form W-8BEN as a payment to a foreign person who beneficially owns the amounts paid. If applicable, the withholding agent may rely on the Form W-8BEN to apply a reduced rate of, or exemption from, withholding at source.

Provide Form W-8BEN to the withholding agent or payer before income is paid or credited to you. Failure to provide a Form W-8BEN when requested may lead to withholding at the foreign-person withholding rate of 30% or the backup withholding rate under section 3406.

Establishing status for chapter 4 purposes. An FFI may rely on a properly completed Form W-8BEN to establish your chapter 4 status as a foreign person. The Form W-8BEN should be provided to the FFI when requested. Failure to do so could result in 30 percent withholding on income paid or credited to you as a recalcitrant account holder from sources within the United States. See the definition of amounts subject to withholding, later.

Additional information. For additional information and instructions for the withholding agent, see the Instructions for the Requester of Forms W-8BEN, W-8BEN-E, W-8ECI, W-8EXP, and W-8IMY.

Who Must Provide Form W-8BEN

You must give Form W-8BEN to the withholding agent or payer if you are a nonresident alien who is the beneficial owner of an amount subject to withholding, or if you are an account holder of an FFI documenting yourself as a nonresident alien. If you are the single owner of a

disregarded entity, you are considered the beneficial owner of income received by the disregarded entity. Submit Form W-8BEN when requested by the withholding agent, payer, or FFI whether or not you are claiming a reduced rate of, or exemption from, withholding.

You should also provide Form W-8BEN to a payment settlement entity (PSE) requesting this form if you are a foreign individual receiving payments subject to reporting under section 6050W (payment card transactions and third-party network transactions) as a participating payee. However, if the payments are income which is effectively connected to the conduct of a U.S. trade or business, you should instead provide the PSE with a Form W-8ECI.

Do not use Form W-8BEN if you are described below.

- You are a foreign entity documenting your foreign status, documenting your chapter 4 status, or claiming treaty benefits. Instead, use Form W-8BEN-E, Certificate of Status of Beneficial Owner for United States Tax Withholding and Reporting (Entities).
- You are a U.S. citizen (even if you reside outside the United States) or other U.S. person (including a resident alien individual). Instead, use Form W-9, Request for Taxpayer Identification Number and Certification, to document your status as a U.S. person.
- You are acting as a foreign intermediary (that is, acting not for your own account, but for the account of others as an agent, nominee, or custodian). Instead, provide Form W-8IMY, Certificate of Foreign Intermediary, Foreign Flow-Through Entity, or Certain U.S. Branches for United States Tax Withholding and Reporting.
- You are a disregarded entity with a single owner that is a U.S. person. Instead, the owner should provide Form W-9. If the disregarded entity is a hybrid entity claiming treaty benefits, the entity should complete Form W-8BEN-E even if the single owner of such entity is a U.S. person that must also provide a Form W-9. See the instructions to Form W-8BEN-E for information on hybrid entities claiming treaty benefits.
- You are a nonresident alien individual who claims exemption from withholding on compensation for independent or dependent personal services performed in the United States. Instead, provide Form 8233, Exemption from Withholding on Compensation for Independent (and Certain Dependent) Personal Services of a Nonresident Alien Individual, or Form W-4, Employee's Withholding Allowance Certificate.
- You are receiving income that is effectively connected with the conduct of a trade or business in the United States, unless it is allocable to you through a partnership. Instead, provide Form W-8ECI, Certificate of Foreign Person's Claim That Income Is Effectively Connected With the Conduct of a Trade or Business in the United States. If any of the income for which you have provided a Form W-8BEN becomes effectively connected, this is a change in circumstances and Form W-8BEN is no longer valid with respect to such income. You must file Form W-8ECI. See *Change in circumstances*, later.

Giving Form W-8BEN to the withholding agent. Do not send Form W-8BEN to the IRS. Instead, give it to the person who is requesting it from you. Generally, this will be the person from whom you receive the payment, who

credits your account, or a partnership that allocates income to you. An FFI may also request this form from you to document your account as other than a U.S. account. Give Form W-8BEN to the person requesting it before the payment is made to you, credited to your account, or allocated. If you do not provide this form, the withholding agent may have to withhold at the 30% rate (under chapter 3 and 4), backup withholding rate, or the rate applicable under section 1446. If you receive more than one type of income from a single withholding agent for which you claim different benefits, the withholding agent may, at its option, require you to submit a Form W-8BEN for each different type of income. Generally, a separate Form W-8BEN must be given to each withholding agent.

Note. If you own the income or account jointly with one or more other persons, the income or account will be treated by the withholding agent as owned by a foreign person that is a beneficial owner of a payment only if Forms W-8BEN or W-8BEN-E are provided by all of the owners. If the withholding agent or financial institution receives a Form W-9 from any of the joint owners, however, the payment must be treated as made to a U.S. person and the account treated as a U.S. account.

Change in circumstances. If a change in circumstances makes any information on the Form W-8BEN you have submitted incorrect, you must notify the withholding agent, payer, or FFI with which you hold an account within 30 days of the change in circumstances and you must file a new Form W-8BEN or other appropriate form.

If you use Form W-8BEN to certify that you are a foreign person, a change of address to an address in the United States is a change in circumstances. Generally, a change of address within the same foreign country or to another foreign country is not a change in circumstances. However, if you use Form W-8BEN to claim treaty benefits, a move to the United States or outside the country where you have been claiming treaty benefits is a change in circumstances. In that case, you must notify the withholding agent, payer, or FFI within 30 days of the move.

If you become a U.S. citizen or resident alien after you submit Form W-8BEN, you are no longer subject to the 30% withholding rate under section 1441 or the withholding tax on a foreign partner's share of effectively connected income under section 1446. To the extent you have an account with an FFI, your account may be subject to reporting by the FFI under chapter 4. You must notify the withholding agent, payer, or FFI within 30 days of becoming a U.S. citizen or resident alien. You may be required to provide a Form W-9. For more information, see Form W-9 and its instructions.



You may be a U.S. resident for tax purposes depending on the number of days you are physically present in the United States over a 3-year period. See Publication 519, available at [irs.gov/publications/p519](https://www.irs.gov/publications/p519). If you satisfy the substantial presence test, you must notify the withholding agent, payer, or financial institution with which you have an account within 30 days and provide a Form W-9.

Expiration of Form W-8BEN. Generally, a Form W-8BEN will remain in effect for purposes of establishing foreign status for a period starting on the date the form is signed and ending on the last day of the third succeeding calendar year, unless a change in circumstances makes any information on the form incorrect. For example, a Form W-8BEN signed on September 30, 2015, remains valid through December 31, 2018.

However, under certain conditions a Form W-8BEN will remain in effect indefinitely until a change of circumstances occurs. To determine the period of validity for Form W-8BEN for purposes of chapter 4, see Regulations section 1.1471-3(c)(6)(ii). To determine the period of validity for Form W-8BEN for purposes of chapter 3, see Regulations section 1.1441-1(e)(4)(ii).

Definitions

Account holder. An account holder is generally the person listed or identified as the holder or owner of a financial account. For example, if a partnership is listed as the holder or owner of a financial account, then the partnership is the account holder, rather than the partners of the partnership (subject to some exceptions). However, an account that is held by a single-member disregarded entity is treated as held by the person owning the entity.

Amounts subject to withholding. Generally, an amount subject to chapter 3 withholding is an amount from sources within the United States that is fixed or determinable annual or periodical (FDAP) income. FDAP income is all income included in gross income, including interest (as well as OID), dividends, rents, royalties, and compensation. FDAP income does not include most gains from the sale of property (including market discount and option premiums), as well as other specific items of income described in Regulations section 1.1441-2 (such as interest on bank deposits and short-term OID).

For purposes of section 1446, the amount subject to withholding is the foreign partner's share of the partnership's effectively connected taxable income.

Generally, an amount subject to chapter 4 withholding is an amount of U.S. source FDAP income that is also a withholdable payment as defined in Regulations section 1.1473-1(a). The exemptions from withholding provided for under chapter 3 are not applicable when determining whether withholding applies under chapter 4. For specific exceptions applicable to the definition of a withholdable payment, see Regulations section 1.1473-1(a)(4) (exempting, for example, certain nonfinancial payments).

Beneficial owner. For payments other than those for which a reduced rate of, or exemption from, withholding is claimed under an income tax treaty, the beneficial owner of income is generally the person who is required under U.S. tax principles to include the payment in gross income on a tax return. A person is not a beneficial owner of income, however, to the extent that person is receiving the income as a nominee, agent, or custodian, or to the extent the person is a conduit whose participation in a transaction is disregarded. In the case of amounts paid that do not constitute income, beneficial ownership is determined as if the payment were income.

Foreign partnerships, foreign simple trusts, and foreign grantor trusts are not the beneficial owners of income paid to the partnership or trust. The beneficial owners of income paid to a foreign partnership are generally the partners in the partnership, provided that the partner is not itself a partnership, foreign simple or grantor trust, nominee or other agent. The beneficial owners of income paid to a foreign simple trust (that is, a foreign trust that is described in section 651(a)) are generally the beneficiaries of the trust, if the beneficiary is not a foreign partnership, foreign simple or grantor trust, nominee or other agent. The beneficial owners of a foreign grantor trust (that is, a foreign trust to the extent that all or a portion of the income of the trust is treated as owned by the grantor or another person under sections 671 through 679) are the persons treated as the owners of the trust. The beneficial owners of income paid to a foreign complex trust (that is, a foreign trust that is not a foreign simple trust or foreign grantor trust) is the trust itself.

For purposes of section 1446, the same beneficial owner rules apply, except that under section 1446 a foreign simple trust rather than the beneficiary provides the form to the partnership.

The beneficial owner of income paid to a foreign estate is the estate itself.

Note. A payment to a U.S. partnership, U.S. trust, or U.S. estate is treated as a payment to a U.S. payee that is not subject to 30% withholding under chapter 3 or 4. A U.S. partnership, trust, or estate should provide the withholding agent with a Form W-9. For purposes of section 1446, a U.S. grantor trust or disregarded entity shall not provide the withholding agent a Form W-9 in its own right. Rather, the grantor or other owner shall provide the withholding agent the appropriate form.

Chapter 3. Chapter 3 means Chapter 3 of the Internal Revenue Code (Withholding of Tax on Nonresident Aliens and Foreign Corporations). Chapter 3 contains sections 1441 through 1464.

Chapter 4. Chapter 4 means Chapter 4 of the Internal Revenue Code (Taxes to Enforce Reporting on Certain Foreign Accounts). Chapter 4 contains sections 1471 through 1474.

Deemed-compliant FFI. Under section 1471(b)(2), certain FFIs are deemed to comply with the regulations under chapter 4 without the need to enter into an FFI agreement with the IRS. However, certain deemed-compliant FFIs are required to register with the IRS and obtain a GIIN. These FFIs are referred to as **registered deemed-compliant FFIs**. See Regulations section 1.1471-5(f).

Disregarded entity. A business entity that has a single owner and is not a corporation under Regulations section 301.7701-2(b) is disregarded as an entity separate from its owner. A disregarded entity does not submit this Form W-8BEN to a partnership for purposes of section 1446 or to an FFI for purposes of chapter 4. Instead, the owner of such entity provides appropriate documentation. See Regulations section 1.1446-1 and section 1.1471-3(a)(3)(v), respectively.

Certain entities that are disregarded for U.S. tax purposes may be recognized for purposes of claiming treaty benefits under an applicable tax treaty (see the definition of hybrid entity below). A hybrid entity claiming treaty benefits is required to complete Form W-8BEN-E. See Form W-8BEN-E and its instructions.

Financial account. A financial account includes:

- A depository account maintained by a financial institution;
- A custodial account maintained by a financial institution;
- Equity or debt interests (other than interests regularly traded on an established securities market) in investment entities and certain holding companies, treasury centers, or financial institutions as defined in Regulations section 1.1471-5(e);
- Cash value insurance contracts; and
- Annuity contracts.

For purposes of chapter 4, exceptions are provided for accounts such as certain tax-favored savings accounts; term life insurance contracts; accounts held by estates; escrow accounts; and annuity contracts. These exceptions are subject to certain conditions. See Regulations section 1.1471-5(b)(2). Accounts may also be excluded from the definition of financial account under an applicable IGA.

Financial institution. A financial institution generally means an entity that is a depository institution, custodial institution, investment entity, or an insurance company (or holding company of an insurance company) that issues cash value insurance or annuity contracts.

Foreign financial institution (FFI). A foreign financial institution (FFI) generally means a foreign entity that is a financial institution.

Foreign person. A foreign person includes a nonresident alien individual and certain foreign entities that are not U.S. persons (entities should complete Form W-8BEN-E rather than this Form W-8BEN).

Hybrid entity. A hybrid entity is any person (other than an individual) that is treated as fiscally transparent in the United States but is not treated as fiscally transparent by a country with which the United States has an income tax treaty. Hybrid status is relevant for claiming treaty benefits.

Intergovernmental agreement (IGA). An IGA means a Model 1 IGA or a Model 2 IGA. For a list of jurisdictions treated as having in effect a Model 1 or Model 2 IGA, see "List of Jurisdictions" available at www.irs.gov/fatca.

A **Model 1 IGA** means an agreement between the United States or the Treasury Department and a foreign government or one or more agencies to implement FATCA through reporting by FFIs to such foreign government or agency thereof, followed by automatic exchange of the reported information with the IRS. An FFI in a Model 1 IGA jurisdiction that performs account reporting to the jurisdiction's government is referred to as a **reporting Model 1 FFI**.

A **Model 2 IGA** means an agreement or arrangement between the U.S. or the Treasury Department and a foreign government or one or more agencies to implement

FATCA through reporting by FFIs directly to the IRS in accordance with the requirements of an FFI agreement, supplemented by the exchange of information between such foreign government or agency thereof and the IRS. An FFI in a Model 2 IGA jurisdiction that has entered into an FFI agreement is a participating FFI, but may be referred to as a **reporting Model 2 FFI**.

Nonresident alien individual. Any individual who is not a citizen or resident alien of the United States is a nonresident alien individual. An alien individual meeting either the “green card test” or the “substantial presence test” for the calendar year is a resident alien. Any person not meeting either test is a nonresident alien individual. Additionally, an alien individual who is a resident of a foreign country under the residence article of an income tax treaty, or an alien individual who is a bona fide resident of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa is a nonresident alien individual. See Pub. 519, U.S. Tax Guide for Aliens, for more information on resident and nonresident alien status.



Even though a nonresident alien individual married to a U.S. citizen or resident alien may choose to be treated as a resident alien for certain purposes (for example, filing a joint income tax return), such individual is still treated as a nonresident alien for chapter 3 withholding tax purposes on all income except wages. For purposes of chapter 4, a nonresident alien individual who holds a joint account with a U.S. person will be considered a holder of a U.S. account for chapter 4 purposes.

Participating FFI. A participating FFI is an FFI (including a Reporting Model 2 FFI) that has agreed to comply with the terms of an FFI agreement. The term participating FFI also includes a qualified intermediary (QI) branch of a U.S. financial institution, unless such branch is a reporting Model 1 FFI.

Participating payee. A participating payee means any person that accepts a payment card as payment or accepts payment from a third party settlement organization in settlement of a third party network transaction.

Payment settlement entity (PSE). A payment settlement entity is a merchant acquiring entity or third party settlement organization. Under section 6050W, a PSE is generally required to report payments made in settlement of payment card transactions or third party network transactions. However, a PSE is not required to report payments made to a beneficial owner that is documented as foreign with an applicable Form W-8.

Recalcitrant account holder. A recalcitrant account holder for purposes of chapter 4 includes an individual who fails to comply with the requests of an FFI for documentation and information for determining the U.S. or foreign status of the individual’s account, including furnishing this Form W-8BEN when requested.

U.S. person. A U.S. person is defined in section 7701(a) (30) and includes an individual who is a citizen or resident of the United States.

Withholding agent. Any person, U.S. or foreign, that has control, receipt, custody, disposal, or payment of U.S. source FDAP income subject to chapter 3 or 4 withholding is a withholding agent. The withholding agent may be an individual, corporation, partnership, trust, association, or any other entity, including (but not limited to) any foreign intermediary, foreign partnership, and U.S. branches of certain foreign banks and insurance companies.

For purposes of section 1446, the withholding agent is the partnership conducting the trade or business in the United States. For a publicly traded partnership, the withholding agent may be the partnership, a nominee holding an interest on behalf of a foreign person, or both. See Regulations sections 1.1446-1 through 1.1446-6.

Specific Instructions

Part I

Line 1. Enter your name. If you are a foreign individual who is the single owner of a disregarded entity that is not claiming treaty benefits as a hybrid entity, with respect to a payment, you should complete this form with your name and information. If the account to which a payment is made or credited is in the name of the disregarded entity, you should inform the withholding agent of this fact. This may be done by including the name and account number of the disregarded entity on line 7 (reference number) of the form. However, if the disregarded entity is claiming treaty benefits as a hybrid entity, it should complete Form W-8BEN-E instead of this Form W-8BEN.

Line 2. Enter your country of citizenship. If you are a dual citizen, enter the country where you are both a citizen and a resident at the time you complete this form. If you are not a resident in any country in which you have citizenship, enter the country where you were most recently a resident. However, if you are a United States citizen, you should not complete this form even if you hold citizenship in another jurisdiction. Instead, provide Form W-9.

Line 3. Your permanent residence address is the address in the country where you claim to be a resident for purposes of that country’s income tax. If you are completing Form W-8BEN to claim a reduced rate of withholding under an income tax treaty, you must determine your residency in the manner required by the treaty. Do not show the address of a financial institution, a post office box, or an address used solely for mailing purposes. If you do not have a tax residence in any country, your permanent residence is where you normally reside.

If you reside in a country that does not use street addresses, you may enter a descriptive address on line 3. The address must accurately indicate your permanent residence in the manner used in your jurisdiction.

Line 4. Enter your mailing address only if it is different from the address you show on line 3.

Line 5. If you have a social security number (SSN), enter it here. To apply for an SSN, get Form SS-5 from a Social Security Administration (SSA) office or online at www.socialsecurity.gov/online/ss-5.html. If you are in the

United States, you can call the SSA at 1-800-772-1213. Complete Form SS-5 and return it to the SSA.

If you do not have an SSN and are not eligible to get one, you can get an individual taxpayer identification number (ITIN). To apply for an ITIN, file Form W-7 with the IRS. It usually takes 4-6 weeks to get an ITIN. To claim certain treaty benefits, you must complete line 5 by submitting an SSN or ITIN, or line 6 by providing a foreign tax identification number (foreign TIN).



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.

A partner in a partnership conducting a trade or business in the United States will likely be allocated effectively connected taxable income. The partner is required to file a U.S. federal income tax return and must have a U.S. taxpayer identification number (TIN).

You must provide an SSN or TIN if you are:

- Claiming an exemption from withholding under section 871(f) for certain annuities received under qualified plans, or
- Submitting the form to a partnership that conducts a trade or business in the United States.

If you are claiming treaty benefits, you are generally required to provide an ITIN if you do not provide a tax identifying number issued to you by your jurisdiction of tax residence on line 6. However, an ITIN is not required to claim treaty benefits relating to:

- Dividends and interest from stocks and debt obligations that are actively traded;
- Dividends from any redeemable security issued by an investment company registered under the Investment Company Act of 1940 (mutual fund);
- Dividends, interest, or royalties from units of beneficial interest in a unit investment trust that are (or were upon issuance) publicly offered and are registered with the SEC under the Securities Act of 1933; and
- Income related to loans of any of the above securities.

Line 6. If you are providing this Form W-8BEN to document yourself with respect to a financial account that you hold at a U.S. office of a financial institution, provide the tax identifying number (TIN) issued to you by your jurisdiction of tax residence unless:

- You have not been issued a TIN, or
- The jurisdiction does not issue TINs.

If you have not provided your jurisdiction of residence TIN on line 6, provide your date of birth in line 8.

Line 7. This line may be used by the filer of Form W-8BEN or by the withholding agent to whom it is provided to include any referencing information that is useful to the withholding agent in carrying out its obligations. For example, withholding agents who are required to associate the Form W-8BEN with a particular Form W-8IMY may want to use line 7 for a referencing number or code that will make the association clear. A beneficial owner can use line 7 to include the number of the account for which he or she is providing the form. A foreign single owner of a disregarded entity can use line 7 to inform the withholding agent that the account to which a

payment is made or credited is in the name of the disregarded entity (see instructions for line 1).

Line 8. If you are providing this Form W-8BEN to document yourself with respect to a financial account that you hold with a U.S. office of a financial institution, provide your date of birth. Use the following format to input your information MM-DD-YYYY. For example, if you were born on April 15, 1956, you would enter 04-15-1956.

Part II

Line 9. If you are claiming treaty benefits as a resident of a foreign country with which the United States has an income tax treaty for payments subject to withholding under chapter 3, identify the country where you claim to be a resident for income tax treaty purposes. For treaty purposes, a person is a resident of a treaty country if the person is a resident of that country under the terms of the treaty. A list of U.S. tax treaties is available at <http://www.irs.gov/Individuals/International-Taxpayers/Tax-Treaties>.



*If you are related to the withholding agent within the meaning of section 267(b) or 707(b) and the aggregate amount subject to withholding received during the calendar year exceeds \$500,000, then you are generally required to file [Form 8833](#), *Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b)*. See the Instructions for Form 8833 for more information on the filing requirements.*

Line 10. Line 10 must be used only if you are claiming treaty benefits that require that you meet conditions not covered by the representations you make on line 9 and Part III. For example, persons claiming treaty benefits on royalties must complete this line if the treaty contains different withholding rates for different types of royalties. However, this line should always be completed by foreign students and researchers claiming treaty benefits. See *Scholarship and fellowship grants*, later, for more information.

This line is generally not applicable to treaty benefits under an interest or dividends (other than dividends subject to a preferential rate based on ownership) article of a treaty.

Nonresident alien who becomes a resident alien.

Generally, only a nonresident alien individual can use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a “saving clause” which preserves or “saves” the right of each country to tax its own residents as if no tax treaty existed. Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the recipient has otherwise become a U.S. resident alien for tax purposes. The individual must use Form W-9 to claim the tax treaty benefit. See the instructions for Form W-9 for more information. Also see *Nonresident alien student or researcher who becomes a resident alien*, later, for an example.

Scholarship and fellowship grants. A nonresident alien student (including a trainee or business apprentice) or researcher who receives noncompensatory scholarship

or fellowship income can use Form W-8BEN to claim benefits under a tax treaty that apply to reduce or eliminate U.S. tax on such income. No Form W-8BEN is required unless a treaty benefit is being claimed. A nonresident alien student or researcher who receives compensatory scholarship or fellowship income must use Form 8233, instead of Form W-8BEN, to claim any benefits of a tax treaty that apply to that income. The student or researcher must use Form W-4 for any part of such income for which he or she is not claiming a tax treaty withholding exemption. Do not use Form W-8BEN for compensatory scholarship or fellowship income. See *Compensation for Dependent Personal Services* in the Instructions for Form 8233.

TIP *If you are a nonresident alien individual who received noncompensatory scholarship or fellowship income and personal services income (including compensatory scholarship or fellowship income) from the same withholding agent, you may use Form 8233 to claim a tax treaty withholding exemption for part or all of both types of income.*

Completing lines 3 and 9. Most tax treaties that contain an article exempting scholarship or fellowship grant income from taxation require that the recipient be a resident of the other treaty country at the time of, or immediately prior to, entry into the United States. Thus, a student or researcher may claim the exemption even if he or she no longer has a permanent address in the other treaty country after entry into the United States. If this is the case, you can provide a U.S. address on line 3 and still be eligible for the exemption if all other conditions required by the tax treaty are met. You must also identify on line 9 the tax treaty country of which you were a resident at the time of, or immediately prior to, your entry into the United States.

Completing line 10. You must complete line 10 if you are a student or researcher claiming an exemption from taxation on your noncompensatory scholarship or fellowship grant income under a tax treaty.

Nonresident alien student or researcher who becomes a resident alien. You must use Form W-9 to claim an exception to a saving clause. See *Nonresident alien who becomes a resident alien*, earlier, for a general explanation of saving clauses and exceptions to them.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would complete Form W-9.

Part III

Form W-8BEN must be signed and dated by the beneficial owner of the amount subject to withholding or the account holder of an FFI (or an agent with legal authority to act on the person's behalf). If Form W-8BEN is completed by an agent acting under a duly authorized power of attorney for the beneficial owner or account holder, the form must be accompanied by the power of attorney in proper form or a copy thereof specifically authorizing the agent to represent the principal in making, executing, and presenting the form. Form 2848, Power of Attorney and Declaration of Representative, can be used for this purpose. The agent, as well as the beneficial owner or account holder, may incur liability for the penalties provided for an erroneous, false, or fraudulent form.

CAUTION *If any information on Form W-8BEN becomes incorrect, you must submit a new form within 30 days unless you are no longer an account holder of the requester that is an FFI and you will not receive a future payment with respect to the account.*

Broker transactions or barter exchanges. Income from transactions with a broker or a barter exchange is subject to reporting rules and backup withholding unless Form W-8BEN or a substitute form is filed to notify the broker or barter exchange that you are an exempt foreign person.

You are an exempt foreign person for a calendar year in which:

- You are a nonresident alien individual or a foreign corporation, partnership, estate, or trust;
- You are an individual who has not been, and does not plan to be, present in the United States for a total of 183 days or more during the calendar year; and
- You are neither engaged, nor plan to be engaged during the year, in a U.S. trade or business that has effectively connected gains from transactions with a broker or barter exchange.

Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to provide the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is:

Recordkeeping	2 hr., 52 min.
Learning about the law or the form	2 hr., 05 min.
Preparing the form	2 hr., 13 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can send us comments from www.irs.gov/formspubs/. Click on "More Information" and then on "Give us feedback".

You can write to Internal Revenue Service, Tax Forms and Publications, SE:W:CAR:MP:TFP, 1111 Constitution

Ave. NW, IR-6526, Washington, DC 20224. Do not send Form W-8BEN to this office. Instead, give it to your withholding agent.

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