

Tax Residency Information Packet

- **Student Payroll Information Form (aka TRIF)**
 - Attached is our most recent version of the Student Payroll Tax Residency Information Form in PDF format and fill-in-able PDF format. This form must be completed for each Student Payroll new hire that indicates on their I-9 Employment Eligibility Verification form that they are “an alien authorized to work until xx/xx/xxxx” (the 4th box in Section 1 of the I-9)
- **Passport**
 - An unexpired foreign passport is required. Please make copies of the passport identification page **and** any pages that have *U.S. immigration* visas or entry stamps.
 - **NOTE:** The visa pages in the passport are **very** useful in helping confirm the information provided on the TRIF about arrivals in the U.S. under current immigration status and prior visits.
- **I-94 Arrival/Departure Record and I-94 Travel History**
 - The I-94 will show the immigration status under which the foreign individual is present in the US. For arrivals after April 2013, the I-94 forms will be electronic and can be retrieved online with the new employee’s passport information at the US Customs and Border Protection website <https://i94.cbp.dhs.gov/i94>. At the same time you create a PDF of the student employee’s I-94, also retrieve and create a PDF of their I-94 Travel History. Tax has found the I-94 Travel History to be helpful in supporting the prior visit information provided by the new employee on the TRIF. Individuals who change their immigration status while in the US are issued an I-94 that is attached to form I-797A, Notice Of Action. Individuals who have been in the U.S. continually and arrived prior to July 2013 when the electronic I-94 was rolled out may have a paper I-94 stapled in their passport.
- **Form I-20 – Certificate of Eligibly for Nonimmigrant (F-1) Student Status (aka I-20 SEVIS Form) or Form DS-2019 (J-1)**
 - The I-20 *must* have your college or university name on it in order for the student to work for your college or university. The Form I-20 is a U.S. Department of Homeland Security document issued by SEVP-certified schools (colleges, universities, and vocational schools) that provides supporting information on a student's F-1 immigration status. Since the introduction of the Student and Exchange Visitor Information System (SEVIS) run by SEVP, the form also includes the student tracking number (SEVIS ID number) and school code. The Form I-20 is for F-1 status. J-1 status holders have an equivalent Form DS-2019 which is issued by a United States Department of State-designated J exchange visitor program.

Send the above form and documents in PDF format to Tax Services – combine the forms into one packet per student employee.

If the student employee is eligible for and claims a tax treaty benefit, send a copy of IRS form 8233 to Tax Services at the same time that you mail a copy to the IRS. Attached you will find a list of the most common errors made when completing the 8233. Upon request, Tax is happy to review form 8233 and the student statement attachment prior to the campus sending the completed form to the IRS.

Statutory Withholding W-4 forms

Nonresident student employees are required to complete two IRS form W-4s: one for federal withholding that is Single, 1 with “nonresident alien” or “NRA” written on line 6 and one for state withholding that is Single, 0. For exceptions to statutory withholding, please see the attached rules. A nonresident alien student employee may not complete the Minnesota Revenue form W-4MN.

When a foreign student employee reaches their tax residency year as computed on page two of their TRIF, they may complete their W-4 as would a U.S. citizen.

Record Retention:

TRIFs and their supporting immigration documents must be kept on file of 7 years past the last year the student employee was paid. When filing the tax residency paperwork, be sure to file it separate from the employee's I-9 Employment Eligibility Verification form to reduce/eliminate the risk of penalty in case of an I-9 audit. The supporting immigration documents for our tax residency purposes are usually the same documents required to verify an F-1 student's employment eligibility. Due to the strict I-9 rules on retaining copies of employment verification documents, we do not want to give USCIS/ICE any reason to think that the documents are being saved for I-9 purposes.

IRS form 8233 is used to claim a tax treaty benefit on wages earned in a single calendar year. The 8233 should be retained for 7 years past the calendar year for which the tax treaty benefit was claimed.

W-4 record retention: As a best practice, all Student Payroll W-4 forms should be filed in a centralized location for easy retrieval should the IRS request a copy. W-4 forms should be retained for 7 years past the last year that the form was used to determine an employee's withholding. Example: Sally was hired in 2013 and completed a 2013 W-4. Her employment terminated in 2016. Her 2013 W-4 form was used to determine her withholding allowances for 2013, 2014, 2015 and 2016. That form must be kept on file until 2023.

Useful Links:**Tax Procedures for Foreign Student Employees:**

http://www.minnstate.edu/system/finance/taxinformation/nonresident/nra_studentemployees/index.html

Student Payroll Tax Residency Form Instructions:

http://www.minnstate.edu/system/finance/taxinformation/nonresident/nra_studentemployees/stupay.html

Current I-9 Employment Eligibility Verification form – while this version is end dated 8/31/2019, it is to be used until USCIS issues a new version: <https://www.uscis.gov/sites/default/files/files/form/i-9.pdf>

Please contact Tax Services with any questions.